THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18214 of 2006

Dated:01.09.2006

Between:

Padala Satyanarayana Reddy.

…Petitioners

and

The Sub-Registrar.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18214 of 2006

ORDER:

Aggrieved by the inaction on the part of the Sub-Registrar, Biccavolu, East Godavari District, the sole respondent herein, the petitioner seeks a writ of mandamus directing him to register the sale deed dated 23.06.2006 in respect of the land in Survey No.274/3 situated at Kapavaram Village, Biccavolu Mandal in East Godavari District.

It is the case of the petitioner that the General Power of Attorney holders of one Bathina Satteyya executed two sale deeds in favour of the petitioner in respect of the land admeasuring Acs.3.00 in Survey No.274/3 of Kapavaram Village on 23.06.2005. These were present before the respondent for registration. They were kept pending only on the ground that there was an order of injunction passed by the Court of the Senior Civil Judge, Ramachandrapuram, in I.A.No.651 of 2005 in O.S.No.142 of 2005 dated 13.06.2005 prohibiting Bathina Satteyya from alienating the suit property. The petitioner contends that the order of injunction in I.A.No.651 of 2005 was subsequently dismissed on 17.12.2005 and that in spite of the same the respondent is not exercising the statutory powers.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the

matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this writ petition is disposed of directing the respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

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(V.V.S.RAO, J)

01.09.2006
vs